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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,949	06/23/2003	Stephen J. Blauer	blaum40520	7879
21587	7590	06/28/2005	EXAMINER	
ALTMAN & MARTIN 6 BEACON ST, STE 600 BOSTON, MA 02108			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,949	Applicant(s) BLAUER ET AL	
	Examiner Alissa L. Hoey	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 03/26/05. Claims 1-7 have been cancelled, claims 8, 9 10, 15 and 20 have been amended and claim 21 has been newly added. The indication of allowable subject matter of claims 15, 20, 8, and 9 has been withdrawn. Claims 8-21 are rejected below as follows.

Claim Objections

2. Claim 8 is objected to because of the following informalities: should "ITont" read "front"? Appropriate correction is required.
3. Claim 9 is objected to because of the following informalities: should "ITont" read "front"? Appropriate correction is required.
4. Claim 20 is objected to because of the following informalities: should "protectivt?" read "protective"? Appropriate correction is required.
5. Claims 8, 9, 10, 15, 20 and 21 are objected to because of the following informalities: the term "certain" should be deleted from the claims, since it provides no additional limitation and is confusing. Appropriate correction is required.

Claim Rejections.- 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot (US 2004/0143883) in view of Kocinee (US 2003/0044563).

In regard to claims 8, 9 and 21 Grilliot teaches a coat (10) that is capable of being worn in the rain as a raincoat and that reversibly provides a wearer a dress mode and a protective mode (figures 1 and 3). The dress mode presenting a dress facing exterior and a protective facing interior (figure 3). The protective mode presenting a protective facing exterior and a dress facing interior (figure 1). The coat comprising a plurality of panels fabrication from a clothing material that includes the dress facing and the protective facing and an interstice there between (figures 2 and 4). The interstice (50) consisting essentially of a vapor permeable membrane (paragraph 0009). Both the dress facing and the work facing are provided with a water repellent polymer (paragraph 0008).

However, Grilliot fails to teach the panels having cooperatively joined edges to form a bodice and the bodice including a pair of the panels that span the anterior of the wear and a back panel that spans the posterior of the wearer. The panels having reversely joined edges to form a pair of sleeves. The first pair of stitched seams about the underarms and shoulders of the coat joining the sleeves to the front panels and the back panel. The second pair of stitched seams along the reversely joined edges of the sleeves and extending from the underarms to the cuffs of the sleeves. The third pair of stitched seams along the cooperatively joined edges of the bodice. A tape extending along and sealed to the protective facing across the stitched seams. The tape and the protective facing having surfaces of the same visual appearance. The tape and the

protective facing being fluorescent. The water repellant polymer being fluroethylene. The first fabric being a weave and the second fabric being a knit.

It would have been obvious for the jacket of Grilliot to be constructed as is common in the apparel arts. Firefighters jackets in the apparel arts are known to have front and back panels with sleeve portions that are stitched together along the side seams, shoulder portions and along the sleeves from the underarm to the user's wrist. It is further obvious that the seams of Grilliot are formed by reversely folding the panels towards the inside of the jacket and stitched together as is well known in the construction of jackets and as shown in Grilliot (US Re. 35,436).

Kocinee et al. teaches a tape (26) extending along and sealed to the protective facing across the stitched seams (30). The tape and the protective facing having surfaces of the same visual appearance (paragraph 0006) and is used for sealing firefighter jacket seams (paragraph 0021).

It would have been obvious that the tape of Kocinee extending along the fluorescent side of the jacket of Grilliot would be fluorescent to match the garment, since Kocinee teaches that the tape can have the same visual appearance as the garment it is placed upon.

With respect to the water repellent polymer being fluroethylene, it would have been obvious to one having ordinary skill in the art to have provided the water repellent material being any that would create water repellency to the garment. The polymer being fluroethlyene or some other water repellent polymer would create an equivalent structure since water would be prevented from soaking though the coat.

With respect to the first fabric being a weave and the second fabric being a knit, it would have been obvious to have provided the first fabric and the second fabric in any construction as long as the first and second fabric are water repellant and provide a dress facing on one side and a protective facing on an opposing side. Further, it would have been obvious to have the first fabric being dark, since depending upon where the first fabric was viewed and the light provided would be capable of providing a dark look.

It would have been obvious to have provided the jacket of Grilliot with the waterproof sealing tape of Kocinee, since the firefighting jacket of Grilliot provided with waterproof sealing tape would provide for greater water fastness of the jacket so that no water would leak through to the interior side of the garment protecting the wearer.

8. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grilliot and Kocinee as applied to the claims above, and further in view of Shannon (US 5,029,344).

In regard to claims 10-20 Grilliot and Kocinee fail to teach the front pair of panels having a pair of contiguous borders, one boarder of which includes a pair of superposed flaps having a pair of columns of fasteners elements and the other border of which includes a single column of fastener elements. The single column of fastener elements being adapted to mate with at least one pair of columns of fastener elements when the coat is in the dress mode of the protective mode. Further, Grilliot and Kocinee fail to teach the polymer or water repellency being polytetrafluorethylene.

With respect to the water repellent polymer being polytetrafluoroethylene, it would have been obvious to one having ordinary skill in the art to have provided the water

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repellent material being any that would create water repellency to the garment. The polymer being polytetrafluoroethylene or some other water repellent polymer would create an equivalent structure since water would be prevented from soaking through the coat.

Shannon teaches a reversible jacket (10) having a pair of front panels having contiguous borders, one border of which includes a pair of superposed flaps having a pair of columns of elements (figure 7, identifiers 30, 16d, 16a, 29b, 29c, 10a, 10b). The single column of fastener elements being adapted to mate with at least one pair of columns of fastener elements when the coat is in the dress mode of the protective mode (column 5, lines 28-64).

It would have been obvious to have provided the jacket of Grilliot and Kocinee with the reversible closure of Shannon, since the jacket of Grilliot and Kocinee provided with the reversible closure would allow the user to secure the garment closed weather worn on the obverse or reverse preventing the coat from falling off the user.

Response to Arguments

9. Applicant's arguments with respect to claims 8-21 have been considered but are moot in view of the new ground(s) of rejection.

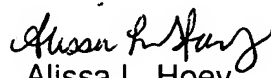
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grilliot, Druecke, Fowler, Majerfeld, Belcher, Taylor, Snedecker and Aldridge are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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